

AN ACT

ENTITLED, An Act to revise the definition of a victim for purposes of determining who is permitted to speak on behalf of a victim at the time of sentencing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 23A-27-1.1 be amended to read as follows:

23A-27-1.1. Upon request to the court by a victim and before imposing sentence on a defendant, the victim, in the discretion of the court, may address the court concerning the emotional, physical, and monetary impact of the defendant's crime upon the victim and the victim's family, and may comment upon the sentence which may be imposed upon the defendant.

The defendant shall be permitted to respond to such statements orally or by presentation of evidence and shall be granted a reasonable continuance to refute any inaccurate or false charges or statements.

For the purpose of this section, the term, victim, shall be construed to mean the actual victim or the parent, spouse, next of kin, legal or physical custodian, guardian, foster parent, case worker, domestic violence advocate, or mental health counselor of any actual victim who is incompetent by reason of age or physical condition, who is deceased, or whom the court finds otherwise unable to comment.

An Act to revise the definition of a victim for purposes of determining who is permitted to speak on behalf of a victim at the time of sentencing.

=====

I certify that the attached Act
originated in the

HOUSE as Bill No. 1012

Chief Clerk
=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1012
File No. _____
Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State